

**2630.0100 DEFINITIONS.**

Subpart 1. **Scope.** As used in parts 2630.0100 to 2630.3300, the following terms have the meanings given them.

Subp. 2. **Act.** "Act" means the Safe Toys Act, Minnesota Statutes, sections 325F.08 to 325F.17.

Subp. 3. **Asphyxiation or suffocation.** "Asphyxiation or suffocation" means a toy presents a hazard of asphyxiation or suffocation if, in normal use and reasonably foreseeable damage or abuse, its design, manufacture, or storage presents a risk of personal injury or illness from interference with normal breathing.

Subp. 4. **Child.** "Child" means any person or persons less than 14 years of age.

Subp. 5. **Dealer.** "Dealer" means any person that sells or distributes any toy to the general public.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Department of Commerce.

Subp. 7. **Distributor.** "Distributor" means any person that sells or distributes any toy at wholesale.

Subp. 8. **Electrical hazard.** "Electrical hazard" means a toy presents an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by shock or electrocution.

Subp. 9. **Flammable.** "Flammable" means having a flash point up to 80 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester. The flammability of solids and of the contents of self-pressurized containers shall be determined by methods generally recognized as applicable to the materials or containers and established by this chapter.

Subp. 10. **Importer.** "Importer" means any person that imports toys into the state for sale or distribution within the state.

Subp. 11. **Manufacturer.** "Manufacturer" means any person that manufactures any toy for sale or distribution.

Subp. 12. **Mechanical hazard.** "Mechanical hazard" means a toy presents a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness:

- A. from fracture, fragmentation, or disassembly of the toy;
- B. from propulsion of the toy or any part or accessory thereof;
- C. from points or other protrusion, surfaces, edges, openings, or closures;
- D. from moving parts;

- E. from lack or insufficiency of controls to reduce or stop motion;
- F. as a result of self-adhering characteristics of the toy;
- G. because the toy or any part or accessory thereof may be aspirated or ingested;
- H. because of instability;
- I. from stuffing material which is not free of dangerous or harmful substances; or
- J. because of any other aspect of the toy's design or manufacture.

Subp. 13. **Mouth toy.** "Mouth toy" means any toy intended to be placed in or in contact with a child's mouth.

Subp. 14. **Person.** "Person" means any individual, partnership, corporation, or association.

Subp. 15. **Retail purchase price.** "Retail purchase price" means the amount of money paid to acquire a toy offered for sale at retail, excluding transportation and shipping charges, interest, finance or service charges, and Minnesota sales and use taxes.

Subp. 16. **Thermal hazard.** "Thermal hazard" means that a toy presents a thermal hazard if, in normal use and reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat or from heated parts, substances, or surfaces.

Subp. 17. **Toxic.** "Toxic" means able to produce personal injury or illness to a person through ingestion, inhalation, or absorption through any body surface, and can apply to any substance other than a radioactive substance.

Subp. 18. **Toy.** "Toy" means any toy, game, or other article designed, labeled, advertised, or otherwise intended for use by children.

**Statutory Authority:** *MS s 325F.11*

**History:** *L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92*

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